

June 10, 2010  
Federal Communications Commission  
Washington, D.C. 20554

RE: Structure and Practices of the Video Relay Service Program  
CG Docket No. 10-51  
DECLARATORY RULING, ORDER AND NOTICE OF PROPOSED RULEMAKING  
Adopted: May 24, 2010 Released: May 27, 2010

1. I am an employee for the largest VRS provider in the United States.

Related to increased costs, it is definitely not related to increased costs of VIs. The initial hiring rate has substantially decreased during the past 7 years. In addition, I personally have received LESS THAN .50 as a raise in over 5 years. However, I would ask you to look at the bonuses being given to Call Center Directors, Managers, Local Regional Directors, Regional Directors and Corporate offices.

When the FCC demands transparency, salaries of Executive Management and all bonuses should also be required as part of the report.

2. In the true spirit of the Americans with Disabilities Act, codified at §225 of the Communications Act of 1934, as amended. The statute requires that TRS offer persons with hearing and speech disabilities access to a telephone system that is functionally equivalent to voice telephone service. As a hearing, voice telephone user, I am able to contact any other hearing individual with a 10-digit number regardless of which type of equipment or manufacturer the individuals in using, whether it be a VOIP number, a wireless company or a traditional landline. Videophone equipment manufacturers MUST make their equipment open to any type of videophone or equivalent equipment effective immediately. VRS providers that provide closed-ended equipment to the deaf and hard of hearing community must also make those available to the general public. VRS providers who refuse to allow their systems and equipment to be truly interoperable, providing for a functionally equivalent service for the Deaf and Hard of Hearing Community should not be compensated from the TRS Fund until they open their systems so that any form/type of videophone or equivalent technology can contact each other utilizing the 10-digit number.

VIâ€™s are processing millions of minutes in unnecessary calls strictly due to artificial barriers imposed by VRS providers and their videophone equipment manufacturers. Hearing individuals that know sign language should be allowed to A) Purchase videophones; B) Obtain a 10-digit number. The burden on the TRS Fund is enormous, especially in the current economy, to continue to allow this practice and not have the FCC demand a fully functionally equivalent system.

An additional barrier under Title II for government entities is that many are unable to obtain free

equipment and must purchase videophones for deaf workers or to provide direct access if they have hearing individuals that are bi-lingual, ASL/English. Government agencies are unable to obtain equipment that handshakes well with the Sorenson VP-200, which is the most widely utilized videophone in the United States, and are unable to obtain a 10-digit number that the Sorenson VP-200 can connect with, thus making their obligation to not rely on TRS, but to provide direct service virtually impossible. Government and the general public were able to purchase a TTY (and direct-connect TTYâ€™s) to have direct communication, why are VRS providers allowed to block access and not make their equipment available?

While the TRS Fund is paid for by telecommunication service providers, the costs are passed down to the subscribers in fees, rates, etc. While it is not tax payer money, it is still something that subscribers to wireless, VOIP and landline service are paying for. To allow the greed and injustice to continue, as it is not taxpayer money is simply reprehensible. This service (and the law) is required to provide access and functional equivalency, not to establish a system that requires hearing and deaf individuals to be limited with communication only through VRS Video Interpreters.

3. In reference to paragraph 6, Although VRS has proven to be extremely popular; the service has also been subject to fraud and abuse. Thus, on several occasions we have addressed call handling and other practices by providers that generate minutes of use and are inconsistent with section 225 and our rules. Further, in November 2009, 26 people were indicted for allegedly manufacturing and billing the Fund for illegitimate calls, and many of these individuals have now pleaded guilty. In addition, VRS providers and others have filed various petitions and other documents seeking changes to the service rules, including rules addressing provider call handling practices and the legitimacy of certain kinds of calls. It is unfortunate that the FCC has yet to understand that many of the call handling practices are actually contributing to individual VI fraud. While no one condones fraud and abuse, as a VI, I can tell you that I understand why VIâ€™s may choose to engage in this practice. SVRS (SVRS) operates on a fear-based, punitive, labor system for its VIs.

Each time you seek comment, SVRS provides you with a proposal to address the issue. For example, paragraph 31, Misuse of Privacy Screens, the docket indicates that Sorenson has proposed that when the CA is confronted with only a blank screen, or a screen that otherwise does not display the face of the video caller (including when the caller is using a privacy screen), the CA may disconnect the call if the callerâ€™s face does not reappear on the screen within two minutes.

â€¢ VIâ€™s are evaluated and penalized daily for not adhering to expectations and percentages, this creates an environment in which VP users suffer and the VI is put in a position, to either provide a service ethically and morally, or to adhere to company standards simply for statistics and to continue employment.

â€¢ This type of punitive labor system is directly correlated to the internal abuse and fraud within

SVRS. The standard for our NECA efficiencies were unobtainable, thereby VIs finding ways to increase their percentages to be able to maintain employment, as those of us who did not meet the NECA lost hours and were not given favorable reviews. In addition, the constant emphasis on NECA or WE (work efficiency) is reprehensible in the industry, as the VI has no way to control the types of calls that we receive or how long they will last, again contributing directly to VIs attempting to find ways to manipulate calls in order to maintain stable employment. .

4. SVRS continues to allow calls that are not permissible for reimbursement to be completed by a VI. VIs have been informed that the company removes these calls from reimbursement, yet how do we know we are not actually unknowingly processing fraudulent calls? VIs must be provided clear direction from the FCC, not by our employers, as to which types of calls we should terminate, and be permitted to do so without fear or retaliation from our companies. This is not only for one provider, all VIs are experiencing similar situations. Up until last year, SVRS did permit VIs to interpret dual relay calls, but did not bill for them, until a VI disclosed to management they learned that another provider was utilizing the capability thru SVRS. This type of authority was provided to VIs, actually demanded by SVRS to stop the other company from stealing their customers. In addition, VIs are permitted to disconnect calls where the VP user and Voice user are in the same room. Companies should be required to hire an interpreter or have specific interpreters process the questionable calls and not utilize the generic queue or any available interpreter to complete calls.

5. Paragraph 11 speaks to the explosive growth in recent years driven by VRS. This rate is not sustainable and millions of dollars are going into a few people's pockets, while those that do the work are being hurt and injured by employers.

The FCC must mandate and implement a fully functionally equivalent system. Providers and Vendors/Manufacturers must be required to open their systems to any 10-digit number or have reimbursement funds withheld beginning July 1, 2010. Enough is enough. The lies and deceit of these companies, at times in collusion with members of the deaf community, who happen to also be employees of said companies, should no longer be tolerated.

While I work for SVRS, I am appalled by the recent fear tactics utilized by members of senior management to inundate the FCC with form letters and lies. In over 5 years that I have worked for SVRS, the only time I receive emails from Executive Management is related to the VRS Fund and cuts. I never receive other information that the company brags about to show how wonderful and committed they are, such as the opening of the so-called Interpreter Institute, that by the way, should not be able to be reimbursed through the TRS Fund. VIs should NOT be trained on-the-job to interpret! Let's leave that to the Interpreter Training Programs and the Community. The quality of VIs at SVRS is embarrassing and DANGEROUS to the deaf and hard of hearing community. They

should be taking care of those of us that are qualified, instead of implementing a harmful and unsustainable physical and mental demand on the VIs.

The TRS Fund is being raped by one provider, who is abusive in every other aspect of its Labor Policies and uses the FCC Regulations as ways to defend their actions to their employees, even twisting the rulings to meet their own selfish needs.

As an example, in order to contact technical support, a VP user can call direct or through a VI, while a hearing individual is ONLY permitted to contact technical support via a VI. Often the VI is on hold over 15 – 20 minutes. Why can a VP user connect to a hearing technical support person, but a hearing caller is forbidden. Actually VIs are prohibited from giving out the hearing technical support phone number.

#### 6. VRS Call Centers – Paragraph 17-18.

Call centers should not be permitted to be out of the United States. This is definitely a huge concern for American Sign Language Interpreters as potential employment is being outsourced to other countries. In addition, with the National economy situation, having dollars leave the country does not assist with the reinvestment of America or improving our economy.

If the burden on the VRS system lessened by having a true functionally equivalent system, there would be no need to have call centers outside of the US, nor would there be a shortage of interpreters thus allowing non-qualified interpreters to work, as we are doing currently.

#### 7. VRS CAs Working from Home and Compensation – Paragraph 19-21.

VRS VIs should not be permitted to work from home! While there may be some benefits for a small group of VIs, it should not be allowed. In addition, companies that permit the VP user to select an interpreter should be forced to cease that operation.

VP users have the ability to hang up or ask for another VI (although SVRS penalizes VIs if they return those calls to the queue – so the VI may disconnect) if they feel the VI does not match their need. Currently several VIs that were terminated from SVRS for fraud, are now working from home with other companies, actually working for several at once. There is no oversight on these individuals nor the minutes they are incurring. Several companies are allowing VI™s to market themselves and are setting up appointments with users to ensure that they have work. This should not be permitted. VRS Providers should ensure their VIs are qualified, they should be certified (although the RID NIC exam is proving to pass unqualified interpreters and needs to be reevaluated), and the VI should

have worked in the community for a minimum of 3 years before they are even able to step foot into a VRS Call Center.

The FCC should, by now, know what costs are reasonable to run a call center and utilize funds in order for specific purposes.

There is too much opportunity for abuse and fraud to occur when a VI is working from home. I have spoken with VIs who do that work, and have admitted that their kids, friends and family have heard their calls, but that they needed the work and it was easier than having to drive into a center.

In addition to the fraud, privacy of calls, the VI has NO SUPPORT SYSTEM if something goes wrong during the call, if it is a 911 call, or even if something happens to the VI themselves during a call. The additional mental stress of being alone and isolated should not be permitted through VRS. VIs that wish to work from home, should contact agencies that provide Video Remote Interpreting and sign up to provide services for them.

VRS providers should not be permitted to provide VRI in the same locations or via the same interpreters.

#### 8. Procedures for the Suspension of Payment “ Paragraph 22 “ 26

I recommend that the VRS providers should be required to OPEN all their books to the TRS Fund Administrator for any reimbursement that the provider is seeking, in addition to bonuses and salaries for all line staff, management staff and Executive Staff to ensure that the integrity of the Fund is preserved. Millions of dollars have been expended on inappropriate reimbursements and illegitimate calls.

#### 9. International VRS Calls “ Paragraph 27 “ 29

As a VI, I would like to also see the ability for VIs to be permitted to terminate calls that we determine are scams, especially the Nigerian Scam and request for funding and wire transfers. VIs<sup>™s</sup> should be permitted to provide the VP user with a website and a phone number related to the fraud. I have forever been scarred and carry a heavy heart for ALL the victims of these scams that I was inadvertently a part of and completely powerless to intervene.

With 10-digit numbering and requirements for registering, there should be no reason that VRS Providers could not bill VP users for international calls, similar to TTY users.

As a VI, it is impossible at times to know whether the calls are International or not, it needs to be done through the VRS Providers backbone and stopped before it reaches the VI. As an example, Canada calls do not require us to dial 011, therefore we do not know who is where.

VCO calls should only be permitted if it is the VP user and the VI can actually see the VP user on the screen.

10. VRS Calls in Which the Caller's Face Does not Appear on the Screen; Use of Privacy Screens; Idle calls – Paragraph 30 – 32.

As a VI, I strongly believe that the VP user should be able to set up a privacy screen and should allow a VI to use theirs while on hold. As such, I also believe that the VP user and the VI should be required to make connection with each other while on hold. It is difficult to say that one must check in within so many minutes as with certain technical calls, we are on hold for 30 – 40 minutes. At the same time, VP users know that when the privacy screen comes down that the hearing person has answered, it allows them the equivalency of hearing people who use speaker phone until someone answers.

I support SVRS proposal for a 2-minute wait before disconnect. However, SVRS MUST be required to change their demands on their VIs to allow this to be a plausible solution.

I strongly support the 2-minute wait mainly due to emergency situations, someone may be injured, passed out, there may be a fire, domestic violence, intruder, and the VP user is assisting them, hiding, trying to stop the bleeding or even giving CPR, then notices the interpreter to only have the interpreter disconnect because there is no requirement for VIs to stay with a call. SVRS demands on VIs and their one-track mind to generate as many seconds as possible out of a VI is directly contrary to their proposal of 2-minutes.

The VI must be given authority to determine if the call is solely to generate minutes and disconnect.

In addition, some providers have a call waiting functionality that puts the VI on hold while they answer the other call. The VI should only be permitted to be on hold for up to 2 minutes, then they should be required to disconnect. Any order that is determined, an education campaign for the deaf and hard of hearing community needs to be implemented to inform them of the regulations. The National Association of the Deaf and their State and Local Chapters should be given the funding to do public outreach and education to the deaf community on FCC Regulations. Funding for outreach and education should not be given to the VRS Providers.

11. Calls Involving Remote Training – Paragraph 33-35

These calls should not be permissible. Entities that allow for remote training should be required to provide their own VRI to allow for the deaf community to participate in their program. This is a requirement under the ADA Title I, Title II and Title III. Employers, Government Entities and Public Accommodations are required to provide reasonable accommodation. Perhaps the Department of Justice should weigh in on assisting the FCC with determining and filing against entities misusing the VRS fund. Comments previously that deaf employees would lose their jobs or be discriminated against should not be considered with regard to the TRS fund. This has been how companies have misused the TRS fund and VRS to bilk the fund.

If deaf employees or VRS providers need to utilize VRS as part of their job, then they should be required to utilize other VRS providers and not their own, regardless of proprietary information. If it is truly proprietary and sensitive then they should not be utilizing a VRS VI and instead be utilizing an in-person or VRI interpreter that they have better control of knowing who may be listening to their conversation.

## 12. Automated Call Data Collection

I support the automated call data collection and cannot comprehend why any company is being permitted to not utilize one.

## 13. Data Filed with the Fund Administrator to Support Payment Claims – Paragraphs 38-41.

It is now clear why SVRS has created additional unreasonable demands on the VIs. As mentioned above, SVRS uses your requirements as ways to make more demands on the VI.

As a VI, who wants to provide service, I have nothing to hide on my calls. However, I would request that now that the FCC is collecting all this additional information, that it be closely assessed and evaluated. VRS is a different beast than TTY Relay. VIs are extremely stressed regarding the percentage of session time that is compensable and that which they spend with callers who never connect, or continue to call busy numbers or answering machines. I have been with callers for over 10 minutes and have less than 1 minute that is reimbursable. I am interpreting and relaying information, but only receive stress, apprehension and anxiety. In addition, my company refuses to acknowledge the work that is done in the same manner as the FCC. **THIS MUST CHANGE IN ORDER FOR VI FRAUD, COMPANY ABUSE AND TO ENSURE A LONG, LASTING TRS FUND.**

## 14. Requiring Providers to Submit Information about New and Existing Call Centers – Paragraphs 42-44 and Requiring Service to be Offered in the Name of the Provider Seeking Compensation from

the Fund; Revenue Sharing Schemes” Paragraphs 45-48.

Authorized VRS providers should NOT be permitted to sub-contract services. This has been another way that VRS providers have committed fraud and abused the funds. VRS providers are setting up fictitious call-in numbers that deaf groups can utilize to reach an interpreter and each minute of use, the deaf group receives compensation. This type of incentive to a deaf group is done at the expense of the TRS Fund and causes deaf members to make calls that they may not otherwise make. VRS providers go through a process to become eligible for compensation from the TRS Fund. They should be the only ones directly able to provide services. Subcontractors should be eliminated from being reimbursed through the TRS fund. Monetary or other incentives and subcontracting for ANY reason should immediately result in the VRS providers termination from the list of eligible providers. Make the VRS providers responsible businesses to the community, the public and their employees, not greedy, abusive enterprises.

I agree with Sorenson and GoAmerica’s proposals, but also believe that SVRS is just as culpable in other ways of bilking minutes and misleading the deaf community in ensuring they make calls through SVRS.

#### 15. Whistleblower Protections for VRS CAs and Other Provider Employees

Absolutley! VIs have been threatened, terminated, and emotionally and mentally scarred by much of what our companies have required us to partake in or forced to look away.

VIs must be able to comment on these documents and proposed rules and request that our name and identity be redacted from all documents. In addition, we should have a phone number to contact to report anonymously.

I strongly believe that VIs will come out of the woodwork to relay fraudulent business practices. VIs have been encouraged to contact a SVRS attorney before contacting the FCC with regard to observing anything we feel may be fraud or abuse. It is extremely unsettling that there are no protections and the rhetoric we hear is that we should feel lucky to have a job and if we are unhappy, we should just quit.

#### 16. Transparency and the Disclosure of Provider Financial and Call Data” Paragraph 51-54

Absolutely! There has been enough million of dollars siphoned out of the TRS Fund, especially by one company. It is high time that they ALL be required to open their books for a true transparency. If 11.25% is not enough of a profit, then they need to get out of the business. Over 1000 interpreters work for SVRS, only Executive Management is profiting from this endeavor. As a VI, I have not



received more than 50 cents since I began with the company, while other VIs I am working with have been given up to \$19 dollars in raises after only a year. I challenge ALL the companies to show their employee data and the rates that they earn and raises/bonuses that have been given since 2003.

In addition, SVRS has cut the most experienced VIs over 33% in their annual salary as a way to reduce their costs. Yet has not informed the deaf community that the reason the VI quality is so bad is that the majority of interpreters working for them have no experience and are recent graduates.

Follow the money.

## 17. Provider Audits

I recommend that all VRS providers be required to provide the above data on or before July 15, 2010. Then I would recommend that an audit be conducted on each provider every 4 months for the first 2 years, every 6 months for the next 2 years and then annually thereafter. It has taken just over 5 years for the fraud and abuse to surface. By putting strict guidance and oversight the next 5 years is the only way for the FCC and TRS Fund Administrator to fully understand the implications of this unique industry.

In addition, it is my hope that the Department of Labor, Occupational Safety and Health Administration also step in to address the issues of VI Worker Rights and Safety Issues related to the VRS Industry. In addition, the Department of Justice should also step in to help ensure that those companies that have many minutes of generated VRS calls, such as T-Mobile, Dell, AT&T, etc. be encouraged to hire deaf employees to provide direct service to their customers instead of forcing them to rely on VRS. A tremendous burden would be lifted from the TRS Fund and it would increase employment opportunities for the deaf and hard of hearing community. Any company that refuses to accept VRS calls, such as banks, should be fined and required to set up a direct VP system to access their services.

Sincerely,

Hayden N. Halla  
Video Interpreter